

Transportation Conformity Working Group

Interagency Consultation

Meeting Summary

**Tuesday, August 23, 2005
10:00 AM – 12:00 PM**

**Southern California Association of Governments
818 W 7th Street, 12th Floor
Los Angeles, CA 90017
Riverside 'A' Conference Room**

The Transportation Conformity Working Group (TCWG) held its monthly meeting on Tuesday, August 23, 2005 at SCAG's downtown offices. The following minutes are intended to summarize the matters discussed. An audio recording of the entire meeting is available for review at SCAG's office.

1.0 CALL TO ORDER

The meeting was called to order at 10:04 AM by Douglas Kim, MTA.

2.0 WELCOME AND SELF-INTRODUCTIONS

ATTENDANCE:

In Person:

Naresh Amatya, SCAG
Rosemary Ayala, SCAG
Grace Balmir, FHWA/FTA
Eric Carlson, MTA
Meenu Chandan, CALTRANS
Herman Cheng, MTA
Ashad Hamideh, MTA
Ted Harris, SCAG
Douglas Kim, MTA
Jessica Kirchner, SCAG
Philip Law, SCAG
Betty Mann, SCAG
Nancy Marroquin, MTA
Laleh Modrek, Caltrans
Travis Seawarde, MTA
Arnie Sherwood, ITS/UCB
Carla Walecka, TCA
Sean Yeung, Caltrans

Via Teleconference:

Mike Brady, Caltrans Headquarters
Ben Cacatian, VCAPCD
Joe Cassmassi, SCAQMD
Paul Fagan, Caltrans District 8
Kathryn Higgins, SCAQMD
Sandy Johnson, Caltrans District 11
Steven Loebeck, RCTC
Jean Mazur, FHWA

Johnthan Natler, SCAQMD
Karina O'Connor, EPA Region 9
Christopher Patton, City of LA
Lisa Poe, SANBAG
Dennis Wade, ARB

2.0 PUBLIC COMMENT PERIOD

There were no public comments at this meeting.

4.0 CHAIR'S REPORT

There was no report at this time.

5.0 ACTION ITEMS

5.1 Approval of the April 26, 2005 Meeting Summary

It was noted that on page 1 that the spelling of Nancy Marroquin's last name was incorrect and on page 5, under Adjournment, the ending time of the meeting had a typo error.

Motion was made to approve the minutes with the amendments, then unanimously approved.

6.0 INFORMATION ITEMS

6.1 2006 Regional Transportation Improvement Program (2006 RTIP) Guidelines (Rosemary Ayala, SCAG)

Rosemary Ayala, SCAG, presented an update on the 2006 RTIP Guidelines. The purpose of the guidelines is to facilitate the work of the commissions and IVAG, Caltrans, and transit operators in the development of the RTIP project listing and in the submittal of the county TIPs which are due to SCAG in December 2006.

The guidelines do not include any new policy. They are a compilation of existing SCAG policy and Federal and State requirements. The main purpose is to ensure the project listing fulfills the legal, administrative, and technical aspects of the RTIP process. Furthermore, the guidelines help minimize duplicate efforts by the various agencies involved in the process.

The draft will go to the Transportation and Communications Committee on September 1, 2005 for their approval to release. We should note that the guidelines include a provision that continues the Executive Director's authority to sign off on amendments that do not require conformity determination.

Any comments from the TCWG committee were requested to be submitted by September 12.

Douglas Kim, MTA, inquired as to whether the TIPs would now be every four years because of the new SAFETEA-LU provision. Jean Mazur, FHWA, stated that she believe the State requirement for the TIP was every two years, she asked if the State would be changed to be consistent with the federal? Ms. Ayala responded that we need further discussions.

6.2 2007 RTP Update (Naresh Amatya, SCAG)

Naresh Amatya, SCAG, presented an update on the 2007 RTP. Mr. Amatya stated the discussions of an accelerated schedule for the RTP have concluded and are not going to be taken up any longer. The new SAFETEA-LU bill extends the update cycle for the RTP to 4-years from the current 3-years. We hope to discuss flexibility to apply the 4-year cycle with the federal agencies.

Over the next several months, staff will assess the inventory of projects that we will look at in developing the RTP, including unconstrained projects. Staff has been assessing the high priority list in SAFETEA-LU.

The question was raised as to whether once the STIP fund estimates come out, will that lock down the conventional revenue forecast for the RTP itself? Mr. Amatya responded that the RTP would be consistent with the STIP fund estimates through the 2010 time frame, but beyond that staff will need to use additional assumptions to estimate the revenue for the entire Plan period which will go through 2030.

6.3 Reauthorization Update (Grace Balmir/Jean Mazur, FHWA)

Grace Balmir, stated two major items that would impact the metropolitan and statewide planning rule, one being the Long Range Plan and the TIP going to a 4-year cycle. She expressed that she felt the major issue for our region is do we want to do a 4-year Plan and TIP? If this is what SCAG would like to do, she requested that the agency send the FHWA a letter requesting that FHWA allow MPOs to apply the 4-year conformity cycle to existing RTPs.

Annie Sherwood, ITS/UCB, asked whether the FHWA felt that the current RTP implementation date of July 1, 2007 could be extended one year? Reason being, it is an awkward year for the TIP and if the TIP and the RTP should be on the same cycle, 2008 would be a better year. Ms. Balmir stated that because our conformity lapses on that RTP in June 2007, she said SCAG would need FHWA guidance to extend another year. Jean Mazur, FHWA, reiterated Ms. Balmir's point that until there was guidance we would not be sure how the changes are going to be interpreted.

Ted Harris, SCAG, stated that there may be substantial benefits for Southern California from applying the 4-year cycle in SAFETEA-LU to current transportation plans. If FHWA has discretion to interpret the application of SAFETEA-LU's 4-year conformity provision to allow the flexibility to apply the 4-year conformity cycle to existing transportation plans, this change offers an opportunity to better coordinate transportation and air quality planning. The new 8-hour ozone standard requires us to submit new ozone State Implementation Plans (SIPs) by June 15, 2007. Under the old 3-year cycle, the conformity status of Southern California's 2004 Regional Transportation Plan (RTP) would expire on June 16, 2007, the day after the SIPs are due to EPA. With this schedule, the US EPA would not have time to determine that the new on-road emissions budgets are adequate, and new emissions budgets would not be able to be used for the conformity determination for the next RTP update. If, however, US DOT, in coordination with US EPA, applies the 4-year cycle to existing transportation plans, then we would have the flexibility to use new adequate budgets based on the new federal standards in the next RTP.

Currently we have budgets based on a previous set of assumptions. As we develop the new SIP it would be ideal if we could develop a conformity determination on the new RTP based on the new model, the new assumptions. From aligning the schedule standpoint it would be a huge benefit if we could apply the 4-year conformity clock to the existing clock that is ticking. We would then have adequate budgets from EPA that we could use for the 2008 RTP.

Ms. Balmir, responded that the guidance developed by FHWA and FTA will be for the entire country. Ms. Balmir stated that her personal viewpoint was that this would be the perfect time

for this region to state what their issues are pertaining to the State of California, and, to voice them to FHWA and FTA to see how they can accommodate you at this time, because once they implement their policies it will not be as easy to do. EPA staff was in agreement Ms. Balmir's response.

Ms. Balmir continued her presentation on the subject of the TIP. She stated that the entire TIP will be good for four years. Currently, although we approve the TIP for 3-years we still have select projects from the third year to use the monies and implement that project in the first year. For the new TIP we will not have to do that, the region can simply modify the project and it will not have to come back to FHWA and FTA for approval. We can simply modify the project out of the fourth year and bring it into the first year. This should decrease the number of amendments.

Ms. Balmir mentioned the change in consultation for the long-range plan. The state and the regions must now consult with land use management, natural resources, environmental management protection, conservation, and historic preservation agencies during the development of the RTP. Ms. Balmir noted that RTP mitigation activities must now be included in the RTP. Another item that will affect FHWA and FTA to a greater degree is that we will be doing certification reviews every four years instead of three years.

California will now rely more on the State Congestion Management Program, which was overlooked in the past since the State of California requires Congestion Management Program to be done by the County Commissions. Generally we accepted that SCAG and the MPO's considered CMP in their TIP and RTP, but SAFETEA-LU is raising the importance of CMS and its consistency with the intent of federal rules. In addition, SAFETEA-LU also states that all single occupancy vehicle new projects will have to go through the Congestion Management Program to be included and approved in the new TIP and Plan.

Jean Mazur, FHWA, stated that one of the conformity changes was to change the requirement that conformity of existing transportation and plans must be re-determined no later than two years after a budget is found adequate. If the SIP is approved, it establishes budgets that were previously found adequate, or SIP approval that establishes revised budgets. This changes the eighteen months to two years to give us a bit more time. The other change is that the conformity should be demonstrated for the final year of the plan but there are circumstances under which through inter-agency consultation you can decide to do something shorter. The conformity determination still needs to include a Regional Emissions Analysis for the last year's transportation plan.

Ms. Mazur went on to state that another change was in the conformity lapse that provides that a lapse will not occur until twelve months after an applicable deadline. We will need guidance on this and the planning implications period. Another change was for the conformity SIP, it now only needs to include the consultation procedures. The final provision, the conformity rule is that regulations to implement the changes no later than two years after the enactment.

Ms. Mazur added that she had received a question in regard to the provision that CMAQ can be used for the purchase of diesel retrofits that are for motor vehicles or non-road vehicles and non-road engines using construction projects located in ozone or particular matter non-attainment areas. Ms. Mazur stated that she felt this put into law what we have already been implementing in guidance through the January 2004 guidance on diesel retrofit. It was pointed out that there was a link on the FHWA website in the reauthorization section and into the conference section there is a link to the actual conference language.

6.4 PM 2.5 Inventories Guidance (EPA Staff)

Karina O'Connor, EPA, stated that the guide went over different options that can be used for annual inventory. A couple of problems for our area is the guide does not focus on EMFAC users.

Training will be given in September in Sacramento. The FHWA, EPA and ARB will be giving presentations and will talk about use of EMFAC to do annual and daily inventories.

The guidance also points out that more simplified procedures can be used before the SIP inventories are actually developed, but once the SIP is developed the conformity analysis should follow the same procedure as the SIP.

6.5 2007 AQMP Update (SCAQMD)

Joe Cassmassi, SCAQMD, stated that they were currently in the developmental stages, most of the work has been technical it has been dealing with converting some of the software onto different computer platforms and other efforts to will enable us to more efficiently use more sophisticated models. South Coast is waiting for EMFAC2007 to come out. Until it does, we are not able to do the more intense modeling to get validated episode runs.

Dennis Wade, ARB, stated that EMFAC 2007 is under development. The high priority items at this point are to incorporate and discuss the heavy-duty diesel truck VMT estimates with the Southern California region and work out the activity estimates, also finalizing heavy-duty diesel emission factors. In the meantime we do not have a new public release date for EMFAC, and we are aware that a lot of modeling activities are dependent upon that piece of software. Adjustment factors will be produced to get a handle on where the inventories will likely end up.

Douglas Kim, MTA, inquired as to which version of the AQMD update version of impact would be used? Dennis Wade, ARB, replied that using EMFAC2002 in any future SIP is not an option.

Arnie Sherwood, ITS/UCB, stated that if EMFAC2007 was not issued soon, adjustment factors will be needed for the registration data. The DMV files in particular because that is becoming obsolete under the FHWA guidance. Dennis Wade, stated that the Board currently has a paper submitted to FHWA and US EPA under review dealing with that specific issue.

6.6 PM 2.5 Conformity Process (Ted Harris, SCAG)

Ted Harris, SCAG, reported a proposed process to make a conformity determination for the new fine particle (PM_{2.5}) standard. Overall the process for the conformity determination for PM_{2.5} will be similar to the process used for 8-hr Ozone. The key point is that SCAG has to receive approval from the US DOT on SCAG's conformity determination on the 2004 RTP and the RTIP by April 5, 2006 or the region risks a conformity lapse.

The final PM_{2.5} rule requires PM_{2.5} non-attainment areas to consider direct PM_{2.5} emissions and significant precursor emissions. Prior to the submission of the proposed PM_{2.5} SIP/Air Quality Management Plan, direct PM_{2.5} emissions and NOx emissions must be considered in PM_{2.5} conformity determinations. Additional PM_{2.5} precursors could be included if determined by interagency consultation.

The process is to discuss the overall approach today, get feedback, come back to this group no later than October, and then take the proposed draft determination to SCAG's EEC committee in November to release for 30-day public comment period. We expect to have a hearing in early December and have the Regional Council adopt the resolution and make the conformity determination in February 2006. We will then send it to FHWA and the other

federal agencies for review and approval before April 5, 2006.

6.7 TCM Update (Ted Harris, SCAG)

Ted Harris, SCAG, stated that the 2006 RTIP guidelines has a section on the TCM process. The goal is to provide comprehensive, clear guidance on the TCM process in the applicable 1994 SIP and the proposed 2003 SIP. The guidelines clarify how a TCM type project, facility or program becomes a committed TCM. In summary, if a project meets the definition (HOV lane or pricing alternative or a transit project where there's expansion or improvement—but not operation or maintenance or replacement of busses, etc.) and the project has implementations funds programmed for the first two years of the prevailing RTIP or an amendment, then the project is a committed TCM. Furthermore, at that point that the TCM-type project becomes committed, the completion date at that point is the date that that project has to be built or it could cause a conformity lapse.

A few months ago we prepared a matrices that attempted to categorize the three hundred plus projects that have been identified as TCMs in the RTIP database. We then evaluated the project description and the implementation funding to verify that TCMs are in fact committed TCMs. After going through of the three hundred, it appeared that about numerous projects were not actually committed TCMs. For this reason, we can not over emphasize the importance of a common understanding of the TCM process and correctly entering information into the RTIP database.

Mike Brady, Caltrans, inquired as projects that are partly TCMs. Ted Harris, SCAG, replied that there is language in the new 2006 RTIP Guidelines that clarify that to monitor implementation of TCMs, we need information on the TCM portion.

Ben Cacatian, VCAPCD, asked about a voluntary program in Ventura. Ted Harris, SCAG, responded that we should explore credit in the 2007 SIP, but it did not sound like a TCM.

6.8 Information Sharing (Group Discussion)

FHWA reminded the committee that the PM 2.5 workshop is going to be held in Sacramento ARB office on September 15. It was doubtful that Web casting would be available for the workshop.

The Statewide Conformity Working Group meeting will be held September 22nd, 10:30 a.m. – 3:00 p.m. at SCAG.

7.0 ADJOURNMENT

The meeting adjourned at approximately 11:45 AM. The next meeting of the Southern California TCWG will be **Thursday, September 22nd at 3:00 p.m.** at SCAG, directly after the Statewide TCWG meeting.